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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/647,521	08/25/2003	Gerald Richter	10541-1832	2280

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CHICAGO, IL 60610

EXAMINER

CIRIC, LJILJANA V

ART UNIT	PAPER NUMBER
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3744

MAIL DATE	DELIVERY MODE
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01/04/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/647,521

Applicant(s)

RICHTER ET AL.

Examiner

Ljiljana (Lil) V. Ciric

Art Unit

3744

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 15 October 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-8, 11 and 12 is/are pending in the application.
- 4a) Of the above claim(s) none is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-8, 11 and 12 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 31 March 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- ☐ Notice of Informal Patent Application
- ☐ Other: _____

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on October 15, 2007 has been entered.

2. Claims 1 through 8, 11, and 12 remain in the application, of which all have been amended either directly or indirectly.

Response to Arguments

3. Applicant's arguments filed on October 15, 2007 have been fully considered but they are moot in view of the new grounds of rejection necessitated by amendment and presented herein.

Claim Objections

4. Claims 2 and 5 are objected to because of the following informalities: "the heater core has an input face and an output face" [claim 2, lines 1-2] is duplicative of "the heater core having an input face and an output face" [claim 1, lines 11-12] and should be deleted; "comprising of" [claim 5, line 1] should be replaced with --comprising-- for improved grammatical correctness. Appropriate correction is required.

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

6. Claims 1 through 8, 11, and 12 are rejected under 35 U.S.C. 102(e) as being anticipated by Nakagawa et al. (filed on July 19, 2002).

Nakagawa et al. [especially Figures 9 through 15] discloses a vehicle temperature control system 40 essentially as claimed, including, for example: a housing having an intake opening for input air upstream of blower 16 and an output opening for output air at 18 and 20; an evaporator core 12 disposed in the housing; a heater core 14 disposed in the housing downstream (at least in some modes) from the evaporator core 12 in a generally side-by-side relationship [see Figures 13-15], the second portion of the heater core 14 being closer to the output opening 20 than the first portion of the heater core 14; and, a separation wall or fixed air deflector having a first end and a second end, the first end being attached to a first portion of the heater core 14 as shown in Figures 9 and 13-15 and extending at least partially along the length of the heater core 14 in the space between the evaporator core 12 and the heater core 14 as also shown in the Figures; the blower 16 disposed in the housing upstream from the evaporator core 12. The separation wall also isolates a cold air portion and a hot air portion of the space between the evaporator core 12 and the heater core 14, with the cold air portion being adjacent to the evaporator core 12 and the

hot air portion being adjacent to the heater core 14. The separation wall also defines a mixing channel or area for mixing, for example, cold air generated by the evaporator core 12 and hot air generated by heater core 14. The heater core 14 also has an input face and an output face, with the input face being located closer to the evaporator core 12 than the input face as shown in Figures 13-15 at least. Figure 9, for example, shows drain conduit or hole 54 formed through the housing.

The reference thus reads on the claims.

7. Alternately for claims 1 through 5, 7, 8, 11, and 12, claims 1 through 5, 7, 8, 11, and 12 are rejected under 35 U.S.C. 102(b) as being anticipated by Schwarz.

Schwarz discloses a vehicle temperature control system 1 essentially as claimed, including, for example: a housing having an intake opening for input air upstream of blower 2 and an output opening for output air; an evaporator core 16 disposed in the housing; a heater core 50 disposed in the housing downstream from the evaporator core 16 in a generally side-by-side relationship, the second portion of the heater core 50 being closer to the output opening than the first portion of the heater core 50; and, a separation wall 30 or fixed air deflector having a first end 31 and a second end 34, the first end 31 being attached to a first portion of the heater core 50 as shown in Figure 1 and extending at least partially along the length of the heater core 50 in the space between the evaporator core 16 and the heater core 50 as also shown in Figure 1; the blower 2 disposed in the housing upstream from the evaporator core 16. The separation wall 30 also isolates a cold air portion and a hot air portion of the space between the evaporator core 16 and the heater core 50, with the cold air portion being adjacent to the evaporator core 16 and the hot air portion being adjacent to the heater core 50. The separation wall 30 also defines a mixing channel or area for mixing, for example, cold air generated by the evaporator core 16 and hot air generated by heater core 50. The heater core 50 also has an input face and an output face, with the input face being located closer to the evaporator core 16 than the input face.

The reference thus reads on the claims.

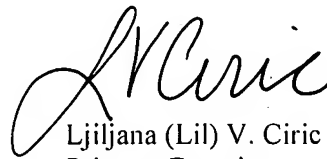
Conclusion

8. The additional art made of record and not relied upon is considered pertinent to applicant's disclosure. Alber et al. (filed March 25, 2003) discloses a vehicular temperature control system including a heater 22 and an evaporator 24 disposed side-by-side inside a housing with a separation wall therebetween. While not constituting prior art per se, Haupt et al. (filed on November 3, 2004) is of interest due to the configuration of the vehicular air conditioning module.

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12/30/07 9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ljiljana (Lil) V. Ciric whose telephone number is 571-272-4909. The examiner works a flexible schedule, but can normally be reached weekdays between 10:30 a.m. and 6:30 p.m.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Cheryl J. Tyler can be reached on 571-272-4834. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.


Ljiljana (Lil) V. Ciric
Primary Examiner
Art Unit 3744